

REMARKS/ARGUMENTS

Prior to this amendment, claims 35, 39, 40, 50-110, and 114-133 were pending. Claims 35, 39, 68, 71, 76, 98, 115-119, 125 have been amended. Claims 40, 65-67, 70, 83-97, 114, 120-124, and 128-130 have been canceled. After entry of this amendment, claims 35, 39, 50-64, 68-69, 71-82, 98-110, 115-119, 125-127, and 131-133 will be pending.

Rejection over Henson in view of Kennedy

Claims 35, 50-61, 119, and 133

Claims 35, 50-51, 55-56, 60, 68-74, 76-87, 91-92, 96, 98-99, 103-107, 109-110, 118-119 and 125-126, 131, 133 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson (U.S. Patent 6,167,383) in view of Kennedy (UK Patent Application GB 2,302,427 A). Applicant respectfully requests reconsideration.

Claim 35 is allowable over Henson and Kennedy, either alone or in combination, as those references fail to teach or suggest all the elements of claim 35. Claim 35 has been amended to highlight existing differences from the cited references. For example, claim 35 recites

A method for configuring a product that is associated with a number of configurable features, wherein the method allows a customer to dynamically interact with a seller of the product and with a manufacturer of a feature of the product over a network during the configuration, the method comprising:

receiving into a configuration engine of the seller a selected feature from the customer wherein the selected feature is to be made based on the customer's selection.

Kennedy discloses a seller model where the seller first makes forecast requests to supplier sites, which are then allocated to actual customer requests after actual customer requests are made. See Kennedy, page 4, lines 17-35 and page 6, lines 5-13. In defining a forecast order, Kennedy states that "the manufacturer must build product and/or intermediate items before receiving customer orders." See Kennedy, page 3, lines 27-30. Because the manufacturing is done before the customer makes the order, the manufacturing of the product or a feature of the

product is not done based on the customer order. In contrast, claim 35 recites that the feature is made based on the customer's selection.

Furthermore, at least because the forecast orders in Kennedy are not based on a customer order, Kennedy does not teach or suggest a dynamic interaction between the manufacturer and the customer.

Additionally, as Henson is directed to configuring a product and not "made to order" products or features of products, Henson does not teach or suggest a product feature that is made based on the customer's selection. Also, Henson does not teach or suggest any interaction between an independent manufacturer and a customer.

For at least the reasons stated above, Applicant submits that claim 35 is allowable over the cited references. As claim 35 is allowable, dependent claims 50-61, 119, and 133 are also allowable for at least the same rationale.

Claims 68-69, 71-82, 98-110, 115-118, 125-127, and 131-132

Applicants submit that independent claims 39, 68, 71, 76, 98, 115, 118, and 125 should be allowable for at least the same rationale as discussed with claim 35. Claims 62-64 depend from claim 39; claims 69 and 72-75 depend from claim 68; claims 77-82 depend from claim 76; claims 99-107, 109-110, 119, and 131 depend from claim 98; claims 116 and 132 depend from 115; and claims 126-127 depend from claim 125 and thus derive patentability at least therefrom.

Rejection over Henson and Kennedy further in view Conklin

Claims 39, 62-64, 117

Claims 39, 52-54, 57-59, 62, 64, 75, 100-102, 116-117, and 127, 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson and Kennedy in view of Conklin et al. (U.S. Patent 6,141,653).

Claim 39 is allowable over Henson and Kennedy, either alone or in combination, as those references fail to disclose or suggest all the elements of claim 39. Claim 39 has been

amended to highlight existing differences from the cited references. For example, claim 39 recites, in part,

A method for selling a configurable product incorporating at least one feature to be selected by a customer, wherein the method allows a customer to dynamically interact with a seller of the product and with a supplier of a feature of the product over a network during the configuration, the method comprising:

(f) providing to the customer accommodation data from the supplier system, the accommodation data responsive to the at least one of the customer desired availability date and the customer desired price for the selected feature, wherein the accommodation data includes a second availability date or a second price of the selected feature;

Conklin describes a negotiations engine for iterative bargaining between buyers and sellers. See Conklin, abstract and col. 13, line 66 to col. 14, line 31. Within the negotiations, an independent supplier of a feature of the product is not involved, but only the seller. Because there is no dynamic interaction between the supplier and the customer, Conklin does not teach or suggest providing to the customer accommodation data from the supplier system as recited in claim 39.

Additionally, Henson or Kennedy do not teach or suggest a dynamic interaction between a supplier and a customer, or providing accommodation from a supplier to a customer. Accordingly, any combination of these references does not render claim 39 obvious.

For at least the reasons stated above, Applicant submits that claim 39 is allowable over the cited references. As claim 39 is allowable, dependent claims 62-64 are also allowable for at least the same rationale. Applicants submit that independent claim 117 should be allowable for at least the same rationale as discussed with claim 39.

Applicants also submit that dependent claim claims 52-54, 57-59, 75, 100-102, 116, and 127, 132 are also allowable for at least the same rationale as discussed with claim 39. Additionally, Conklin does not teach or suggest the limitations of the independent claims from which these claims depend.

Rejection over Henson , Kennedy, and Conklin further in view Teresko

Pending claims 61, 63, and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson, Kennedy and Conklin in view of Teresko et al. (Teresko et al.. Calico Technology : Concinity Configuration/Quotation System, Industry Week, Vol. 245, Issue 23, 16 December 1996 [PROQUEST]). Claims 61 and 63 depend upon claim 35 and are allowable for at least the same rationale as claim 35. Claim 108 depends upon claim 98 and is allowable for at least the same rationale as claim 98.

Teresko is cited as teaching wherein the pricing bill of material is derived from the manufacturing bill of materials. (Office Action page 58). Even assuming that Teresko teaches this limitation and that there is a motivation to combine, this teaching does not make up for the deficiencies in Henson, Kennedy, and Conklin with respect to these claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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